



# THE MAINE CEO

A PERIODIC NEWSLETTER FOR  
CODE ENFORCEMENT TRAINING & CERTIFICATION  
PROGRAM INFORMATION

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## FRONT PAGE NEWS

In the last two months much has occurred that affects all of us. The most direct impact on our training and certification program is an economic one. The direction of the current economic cycle in Maine means no significant increase in the program budget. As always, we will try to improve the service with the available resources.

On a more positive note, we can report progress in the effort to improve program capacity to prepare individuals for the certification exams. One part of this effort involves development of study guides for the program training manuals. A study guide for the *Legal Issues & Enforcement Techniques Manual* is currently under development. The second part of this effort involves production of training videos to complement the study guides.

Another positive item to report is that we may soon gain the ability to broadcast special training sessions statewide through the Department of Education's broadband ATM "distance learning" network. Currently, the network is tied to over fifty high schools throughout Maine. ATM or *asynchronous transfer mode* technology is similar to a cross between interactive video and video-conferencing without associated drawbacks. Non-interactive training sessions may be broadcast to all sites simultaneously, or in another mode four sites may be linked to permit real-time direct, live interaction between the instructor and students at the other sites. In addition to transmitting real-time video and audio over the system, the "distance learning" lab can project computer graphics, flat-screen overheads, computer presentations, and play videotapes for all connected sites. In the interactive mode, students are able to speak directly to the instructor over the system without the need for a telephone. All program staff members are attending training to become certified system operators. We plan to use this mode of training in the near future for special presentations. Learn more about ATM and distance learning at: <http://www.state.me.us/education/technology/atm1/atmnew.htm>

## **MAINE BUILDING REHABILITATION CODE**

The State Planning Office continues to work with the Maine Rehab Code Advisory Council to develop a voluntary model code for existing buildings. Use of the voluntary code would be tied to financial incentives for rehabilitation of existing buildings in built-up or downtown areas. There have been three meetings of the council. Future meetings are scheduled for: Nov. 20, Dec. 4, Dec. 18, and Jan. 8. For meeting times and locations contact: Matt Nazar at 287-4818 or Jeff Edelstein at 247-5689

### **List of appointed council members and their affiliation:**

John Dean, *State Fire Marshal*  
Jim Nimon, *designee for Steve Levesque, Commissioner of Dept. of Economic & Comm. Development*  
Amy Cole-Ives, *designee for Earle Shettleworth, Director of State Historic Preservation Office*  
Matt Nazar, *designee for Evan Richert, Director of State Planning Office*  
Jim Pelsor, *Maine Chapter, AIA*  
Max Yates, *Maine Apartment Owners Association*  
Norm Fecteau, *Maine Building Officials & Inspectors Association*  
Alan Bromley (*professional engineers*)  
Tom Frederick (*general contractors*)  
Don Dube (*mechanical contractors*)  
Phil Badger, Jr. (*electrical contractors*)  
Tony Levesque (*municipal officials*)  
Mike Duguay (*community development*)  
Kevin Mattson (*project developers*)  
Clark Labbe (*municipal fire service*)  
Dan Soule (*municipal code enforcement*)

### **Invitees:**

Rep. Ted Koffman, *Natural Resources Committee, Maine State Legislature*  
Nelson Collins, *Inspections Supervisor, State Fire Marshal's Office*  
Randy Poulton, *Maine State Housing Authority*  
Kirsten Hebert, *Maine Municipal Association*  
Denis Pratt, *Alpha-One*

### **Project contractors and resource staff:**

Emily Templeton, *NJ Division of Codes & Standards*  
William Connolly, *NJ Division of Codes & Standards*  
Jeff Edelstein, *Edelstein & Associates*  
Bruce Hensler, *Maine State Planning Office*

## **WORKSHOP REPORT**

In October we held 4 workshops on site plan review procedures. The presenter for the sessions in Presque Isle and Bangor was David Gould, a planner for the City of Bangor. The presenter for the sessions in South Portland and Auburn was Jon "JT" Lockman, a planner for Southern Maine Regional Planning Council. The sessions included classroom lecture and practical training reviewing actual site plans. In November two sessions on "building standards" are scheduled.

## UPCOMING WORKSHOPS

In January, Durwood Parkinson will return as an instructor for *Rule 80-K and Maine Civil Court Rule Procedures*. There will be three, 2-day sessions held in Bangor, Auburn, and South Portland. The second day will include a “mock-trial” exercise.

## ASSOCIATION MEETINGS

On October 31<sup>st</sup> the *Midcoast Code Enforcement Officer's Association* held their monthly meeting at the Belfast Boathouse. Becky Seal of the Maine Municipal Association led a discussion on dealing with boards. The second part of the meeting was “cracker-barrel” discussion on occupancy permits. On December 12<sup>th</sup>, MBOIA will hold their winter meeting at the New Meadows Inn in West Bath.

## OTHER TRAINING OPPORTUNITIES

- ❑ Manufactured Housing Board is offering 15 training sessions in 2002, for more information contact the board clerk at 624-8612. Registration due by Dec 7<sup>th</sup>.
- ❑ One-day workshop on land use law for real estate professionals on Dec. 19<sup>th</sup> in Portland, contact NBI at 1-800-930-6182.
- ❑ Maine DEP is offering training in erosion control for contractors; contact the DEP Non-point Source Training & Resource Center at 287-7726.

### **FROM THE COORDINATOR:**

**Re-certification credits** – Some individuals continue to have trouble understanding the re-certification process. You must earn 12 credits in each area of certification (including *Legal Issues & Enforcement Techniques*) within the 5-year period of certification. Once you earn the 12 required credits, you do not accrue additional credits! For example, if you have 12 re-certification credits in the area of *Shoreland Zoning* and you continue to attend *shoreland zoning*-related classes, your credit level will not rise above 12. The additional training will show on your annual report with no credit amount attached. Furthermore, attendance at introductory-level training does not convert to advanced-level training. **It never has and never will!**

Advanced certification/re-certification credits – These credits are **only** applied when you attend advanced-level training. The State Planning Office identifies advanced-level training courses on its posted training schedule. Training received outside the official program is evaluated by the Office to determine whether or not it falls within the advanced-level category. If you have any questions, please feel free to email me at: [lane.clough@state.me.us](mailto:lane.clough@state.me.us) or phone me at 287-8056.

## QUESTIONS & ANSWERS...

**Q:** What point is there in “building standards” certification for towns without a building code?

**A:** According to Title 25, Chapter 313 a “municipal inspector of buildings” must be appointed if your town has a population over 2,000. Some towns with less than 2,000 chose to appoint a building inspector to enforce locally adopted building standards. The provisions of Chapter 313 specifically relate to fire safety during construction, chimney inspections, right of entry for inspection, and issuance of certificates of occupancy.

Towns without a local building code often just ignore this statute. However, they do so at their own risk. For the affected municipalities this statute creates certain duties and grants specific powers, as follows: appoint inspectors, define geographic area of jurisdiction, generally enter any building to conduct an inspection, issue certificates of occupancy, and issue penalties for noncompliance.

The duty to inspect new buildings under construction requires: “...that all proper safeguards against catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread...”

The inspection of buildings being repaired requires: “...that all reasonable safeguards are used against the catching and spreading of fire and that chimneys and flues are made safe.”

Lacking a building code, some towns address the concern by applying the State Life Safety Code (NFPA 101) and NFPA 211 – Standard for Chimneys, Fireplaces, Vents, and Solid-fuel Burning Appliances. Another means of compliance is adoption of a “fire prevention code” such as NFPA 1 – Fire Prevention Code or the ICC International Fire Code.

Other selected Maine “building standards” to be aware of are: energy conservation standards (ASHRAE 90); National Electrical Code; accessibility requirements for public multi-family housing and public places of accommodation (Maine Human Rights Act); public health laws; nuisance law; and the Dangerous Buildings Act.

Individuals whose job description or assigned duties requires them to enforce any building regulation covered under Title 30-A MRSA § 4451, 2-A (E) must be certified by the State Planning Office.

VISIT ALPHA-ONE’S NEW INTERNET WEBSITE: <http://www.alpha-one.org>